

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6844 of 2018**

1. Surendra Bariha, S/o Shri Anand Bariha, aged about 45 years.
2. Ashok Patel, S/o late Lal Singh Patel, aged about 38 years.

Both are resident of Village Paikin, Police Station Singhoda, Tahsil Saraipali, District Mahasamund.

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Singhoda, District Mahasamund (CG).

---- Non-applicant

For Applicants : Mr. Kunal Das & Mr. Anil Gulati, Advocates.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.60/2018 registered in Police Station Singhoda, District Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Prosecution story in brief is that on 23.08.2018, 25.00 bulk liters hand made country liquor has been seized from the applicants.
4. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. On the other hand, counsel for the State opposed the bail

application. He submitted that no criminal antecedent is reported against the Applicant No.1-Surendra Bariha in police case diary; and he further submitted that three criminal cases, out of which, one case under IPC and two cases under Excise Act have already been registered against Applicant No.2-Ashok Patel.

6. Looking to the facts and circumstances of the case in respect of Applicant No.1-Surendra Bariha, the application is allowed. It is directed that if the Applicant No.1 furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Trial Court, he be released on bail.
7. Looking to the above facts and circumstances of the case in respect of Applicant No.2-Ashok Patel, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE